



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

REQUISITIONS UPON NEUTRAL PRIVATE PROPERTY IN TIME OF WAR.— Under the title, "*Requisitionen von neutralen Privateigentum*," Dr. ERICH ALBRECHT discusses the subject of requisitions upon neutral private property during war, in the *ZEITSCHRIFT FÜR VOLKERRECHT UND BUNDESSTAATSRECHT* (Vol. VI, No. 1, 1912). As to requisitions upon neutral property, two rules have been laid down,—the one, that neutral immovables are subject to the same treatment as other immovables; and the other, that neutral movables are not to be attached by the belligerent. The problem which he attacks is to determine the validity and extent of these rules concerning requisitions upon neutral private property in land warfare, either on territory belonging to the belligerent or on occupied enemy's territory, Dr. ALBRECHT deduces as a general principle the rule that, while no greater burden is to be laid upon neutral property than on that of enemy subjects, requisition is justified by military necessity. The provisions of the Conventions of the two Hague Conferences lay more rigid restrictions as to requisitions upon neutral means of transport, including neutral railroad material. Consideration of the other means of neutral transport, that of merchant-ships, involves a discussion of the *ius angariae* to which a large portion of the paper is devoted. The historical development of the *ius angariae* is traced, from the municipal provision of the Roman law, by which the fisc in case of necessity could require service of vehicles or ships, to its later use as a sovereign right applicable to all ships for purposes which were not necessarily of a military character. It is shown that the tendency in recent times is to limit more and more, or even to deny, the *ius angariae*. The author's conclusion is that, although many treaties provide otherwise, a belligerent in case of military necessity may probably requisition neutral merchant-ships in belligerent ports. In giving what he terms a "juristic construction" to the *ius angariae*, he traces its growth from the Roman conception that it was a sovereign right to the doctrine of "need" in its various senses, and finally concludes that neutral property when in enemy territory is to an extent under enemy control and may be used in cases of military necessity. Otherwise, however, as to requisition on the high seas which, although once practiced, is now not permissible.

The result reached is that in the treatment of neutral private property on enemy's territory belligerent domicile rather than neutral character is to be considered. Thus the author concludes: "It cannot be shown that there is a general rule of international law according to which neutral property in the territory of a belligerent acquires a privileged character in contradistinction from the property of the belligerent's subjects. \* \* \* Rather, it is sufficient to state that the belligerent in the exercise of its territorial sovereignty is not prevented by international law from subjecting neutral property to requisition under the same conditions as the property of the inhabitants."

H. E. Y.